

Response dated November 16, 2004
Response to Office Action dated August 16, 2004

Application N. 09/868,667

REMARKS

Claims 1-18 are pending. Claims 1-18 are rejected by this Office Action.

The Applicant previously filed an IDS on February 4, 2002.

Typographical Errors

In the Applicant's response to the previous Office Action, the Applicant mistakenly transcribed portions of claims 2 and 10 that were not amended. Regarding claim 2, "step of installing" should be "step of instantiating" as originally filed. Regarding claim 10, "logic that integrates progress toward the goal and providing feedback based on the user characteristics that further motivates accomplishment of the goal" should be "logic that integrates information that motivates accomplishment of the goal for use in the presentation based on the user characteristics" as originally filed. The Applicant has corrected these errors in the Listing of Claims.

Claim Rejections - 35 U.S.C. §101

Claims 1-18 are rejected by the Office Action under 35 U.S.C. §101. The Office Action alleges that "Claims 1-18 are not claimed to be practiced on a computer, therefore, it is clear that the claims are not limited to practice in the technological arts." In the Applicant's response to the previous Office Action, claim 1 was amended as "A method for creating a presentation on a computer system", and claim 10 was amended as "An apparatus that creates a presentation on a computer system". (Emphasis added.) Claims 2-9 and 11-18 ultimately depend from claims 1 and 10. As amended, claims 1 and 10 are limited to practice in the technological arts.

The Office Action further alleges that claims 1-18 are not "limited to practical applications in the technological arts." Specifically, the Office Action alleges that "Applicant's 'information indicative of a goal' references are just such abstract ideas." In the Applicant's response to the previous Office Action, claim 1 was amended to include the feature of "receiving goal-related information indicative of a goal, the goal-related information specifying one or more learning objectives of the presentation, the goal being associated with a training objective" in

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order to clarify what is being claimed. Similarly, claim 10 was amended to include 'a memory that stores goal-related information under the control of the processor, the goal-related information specifying one or more learning objectives of the presentation, the goal being associated with a training objective.' The Office Action further alleges that (Pages 8-9, paragraph 18.):

Applicant discloses a goal that is "associated" with a training objective, but does not explain what the association is. Are the two the same thing? Are they simply on the same page? What is the association? Furthermore, Applicant includes the word "learning objectives" as a critical element to try to overcome the 101 rejection. Examiner finds this to be insufficient because "learning", in this context, is a type of human thought and patents are not available for human thoughts nor are they available for the objectives for human thought.

Claims 1 and 10 clearly include features that are limited to a computer system. For example, claim 1 includes the steps of "querying a user for user-related information", "analyzing the user-related information from user responses", and "evaluating progress toward the goal and providing feedback". The results of the claims, when interpreted in light of the specification, are useful, concrete, and tangible. As claimed and as supported by the specification, the term "learning objectives" is not directed to human learning and thus is not directed to a type of human thought. For example, the specification discloses (Page 22, lines 8-13. Emphasis added.):

The most important issue when creating target groups is to create them along the concepts students need to know to achieve the goal. Grouping targets into groups which are analogous to the concepts a student needs to know, allows the tutor to review the concepts and see which concepts confuse the student. As a first step, a designer should identify in an unstructured manner all of the concepts in the domain. This first pass will be a large list which includes concepts at a variety of granularities, from small specific concepts to broad general concepts. These concepts are most likely directly related to the learning objectives of the course.

As cited above, "learning objectives" refers to "learning objectives of the course" and not to human thought. Furthermore, the specification discloses (Page 4, lines 24-33. Emphasis added.):

Most corporate training programs today are misdirected because they have failed to focus properly on the purpose of their training. These programs have confused the memorization of facts with the ability to perform tasks; the knowing of "that" with the knowing of "how". By adopting the methods of traditional schools, businesses are teaching a wide breadth of disconnected, decontextualized facts and figures, when they should be focused on improved performance. How do you

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teach performance, when lectures, books, and tests inherently are designed around facts and figures? Throw away the lectures, books, and tests. The best way to prepare for high performance is to perform; experience is the best teacher! Most business leaders agree that workers become more effective the more time they spend in their jobs. The best approach for **training** novice employees, therefore, would be letting them learn on the job, **acquiring skills in their actual work environment**. The idea of learning-by-doing is not revolutionary, yet it is resisted in business and academia. Why is this so, if higher competence is universally desired?

As cited in the above teachings, a “training objective” is directed to an employee (student) “acquiring skills in their actual work environment.” As disclosed in the above teachings, the goal comprises the concepts that the student needs to know. Moreover, the concepts (i.e., small specific concepts to broad general concepts in a list) “are most likely directly related to the learning objectives of the course”. The concepts are associated with the learning objectives because the concepts “are most likely directly related to the learning objectives of the course”. Additionally, the computer system must receive goal-related information, for example, to identify “which concepts confuse the student”.

For the above reasons, the Applicant requests reconsideration of claims 1 and 10. Claims 2-9 and 11-18 depend from independent claims 1 and 10 and thus contain statutory subject matter. Thus, the Applicant also requests reconsideration of claims 2-9 and 11-18.

Claim Rejections - 35 U.S.C. §112

Claims 1-18 are rejected by the Office Action under 35 U.S.C. 112, first paragraph “because current case law (and accordingly, the MPEP) require such a rejection if a 101 rejection is given”. As discussed above, the Applicant has amended claims 1 and 10 and believes that claims 1-18 contain statutory material under 35 U.S.C. §101. Thus, the Applicant requests reconsideration of claims 1-18.

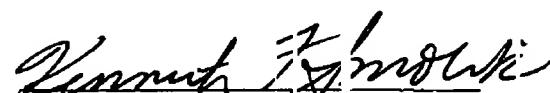
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All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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